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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONNA EDEN, DAVID FEINSTEIN,
and **INNERSOURCE UNLIMITED,**
LTD.,

Plaintiffs,

vs.

SHARI RAMIREZ and HEALING
HANDS ENERGY RETREAT LLC,

Defendants.

No. 1:17-cv-00321-CL

CONSENT JUDGMENT

WHEREAS, Plaintiffs Donna Eden, David Feinstein, and Innersource Unlimited, Ltd. (collectively “Innersource”) filed an original Complaint in this cause on February 28, 2017 (Dkt. No. 1) against Defendants Shari Ramirez and Healing Hands Energy Retreat LLC (collectively “Ramirez”). The original Complaint has been amended twice and contains claims for damages and injunctive relief relating to infringement of copyrights, trademarks and breach of contract based upon Ramirez’s publishing two condensed versions of Innersource works entitled *Energy Medicine*; *Energy Medicine: Balancing Your Body’s Energies for Optimal Health, Joy, and Vitality*; *Energy Medicine for Women*; and various handouts, protocols and other materials used to teach Innersource techniques, protocols and concepts (collectively “The Innersource Works”). Ramirez’s condensed works are entitled *Energy Medicine Techniques*, Volume 1 and *Energy Medicine Techniques*, Volume 2 (“EMT1” and “EMT2,” respectively).

WHEREAS, Plaintiffs and Defendants (collectively the “Consent Judgment Parties”) have agreed to resolve their claims without the need for further litigation; and

WHEREAS, each of the Consent Judgment Parties, by their respective attorneys, consent to entry of this Consent Judgment without trial or adjudication of any issue of fact or law and to waive any appeal if the Consent Judgment is entered as submitted by the parties.

NOW THEREFORE, without trial or adjudication of issues of fact or law, and upon consent of each Consent Judgment Party, the Court finds that there is good and sufficient cause to enter this Consent Judgment, and that it is therefore ORDERED, ADJUDGED, AND DECREED:

1. This Court has jurisdiction over the Parties and the subject matter of this action. The Court retains such jurisdiction in order to enforce this Consent Judgment.

2. The following U.S. Copyright Registrations, identified in the Second Amended Complaint are owned by Plaintiffs and are enforceable and valid: U.S. Copyright Registration Nos. TX 4-944-958; TX 7-301-307; TX 8-316-801, TX 8-316-810, TX 8-316-820, TX 8-317-

025, TX 8-316-805, TX 8-316-824, TX 8-316-813, TX 8-316-815, TX 8-316-825, TX 8-316-831, and TX 8-316-843.

3. U.S. Copyright Registration No. TX 7-301-307 covers *Energy Medicine: Balancing Your Bodies Energies for Optimal Health, Joy, and Vitality*. Defendants' work entitled *Energy Medicine Techniques*, Volume 1 infringes U.S. Copyright Registration No. TX 7-301-307 in *Energy Medicine: Balancing Your Bodies Energies for Optimal Health, Joy, and Vitality*.

4. Defendants are hereby enjoined from copying, distributing or creating derivative works of *Energy Medicine Techniques*, Volume 1 and *Energy Medicine Techniques*, Volume 2. Defendants and either of them are further hereby enjoined from copying, distributing or creating derivative works of The Innersource Works or any of them, or from otherwise infringing the U.S. Copyright Registrations identified in paragraph 2 herein.

5. The rulings of the Court in this Consent Judgment are to be considered binding in any future proceedings between the Consent Judgment Parties, and constitute both claim preclusion and issue preclusion.

6. Any dispute which arises under or with respect to this Consent Judgment shall in the first instance be the subject of informal negotiations between the parties to the dispute. The period for informal negotiations shall not exceed fourteen (14) days from the time the dispute arises, unless it is modified by written agreement of the parties to the dispute. The dispute shall be considered to have arisen when one party sends the other parties a written Notice of Dispute.

7. If a dispute cannot be resolved through informal negotiations between the parties within fourteen (14) days from the time the dispute arises, then the disputing party shall have an additional fourteen (14) days to file an appropriate motion with the Court for ruling with respect to the dispute. In any such dispute, the party that substantially prevails in the dispute shall be entitled to costs and attorneys' fees incurred in connection with the dispute, running from the date of filing the Notice of Dispute.

8. As of the Effective Date of this Consent Judgment, all claims asserted in this case by Innersource against Ramirez, and any claims made by Ramirez against Innersource, are hereby dismissed with prejudice without costs or fees to any party.

9. This Court retains jurisdiction for the duration of this Consent Judgment to enforce its terms. The Parties may jointly seek to modify the terms of this Consent Judgment, subject to the approval of this Court. This Consent Judgment may be modified only by order of this Court.

10. All written communications to each party to this Consent Judgment shall be sent to the following respective designated representative(s) for each Consent Judgment Party.

As to Donna Eden, David Feinstein and Innersource Unlimited, Ltd.:

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and

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As to Shari Ramirez and Healing Hands Energy Retreat, LLC

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11. Any party to this Consent Judgment that changes its designated notice recipient(s) shall notify all other parties to this Consent Judgment in writing and file the appropriate pleading with the Court.

Dated: February 15, 2018

SCHWABE, WILLIAMSON
& WYATT, P.C.

By: 

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*Of Attorneys for Defendants Shari Ramirez
and Healing Hands Energy Retreat LLC*

IT IS SO ORDERED this 15 day of February, 2018.


MARK D. CLARKE
United States Magistrate Judge